



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Carson City District Office
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SAND MOUNTAIN RECREATION AREA
VENDOR PERMIT SPECIAL STIPULATIONS

APPENDIX A

2011-2012

Special Recreation Permittees are subject to the following special stipulations, conditions, regulations, and supplemental rules. Specific regulations are referenced from the 43 Code of Federal Regulations (43 CFR), Bureau of Land Management Recreation Permit Administration Handbook (H-2930-1), Carson City Field Office Special Recreation Permit Policy (SWFO), and Supplemental Rules for the Sand Mountain Recreation Area (43 CFR 8365, Federal Register Vol. 68., No. 27 February 10, 2003). General rules of conduct in the 43 CFR part 8365 also apply to vendors. Specific citations are included for those who wish to see the exact wording.

Your Sand Mountain Recreation Area Special Recreation Application and Permit is subject to conditions that are checked in boxes 1-16 on the back of the Special Recreation Application and Permit Form 2930-1 in addition to the following stipulations:

The term "Vendor Permit" refers to Commercial Special Recreation Permits issued for vending.

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GENERAL

17. A vendor permit must be obtained for all commercial use of public lands. 43 CFR 2932.11(a)(1); 43 CFR 2932.57(a)(1); 43 CFR 2932.57(b)(1) & (2)
18. The permittee must follow all stipulations in the vendor permit (Special Recreation Permit for vendors); specifically those included in this appendix. 43CFR 2932.41; 43 CFR 2932.57(a)(2); 43CFR2932.57(b)(1) &(2)
19. BLM may issue a citation, suspend, or cancel a vendor permit for violating vendor stipulations. 43 CFR 2932.56(b)
20. BLM may amend, suspend, or cancel a vendor permit to protect public health and safety or natural resources. 43 CFR 2932.57(a)
21. Vendors shall not obstruct, impede, or harass visitors, federal employees or volunteers with physical contact while operating under a vendor permit. 43 CFR 2932.57(a)(6)
22. Vendors shall not refuse to leave or disperse when directed by a law enforcement officer. 43 CFR 2932.57(a)(7)
23. Equipment left unattended more than 72 hours will be considered abandoned and may become property of the U.S. Government. 43 CFR 8365.1-2 and 2-3(c).
24. No person shall camp on public lands longer than the period of time permitted by the authorized officer. 43 CFR 8365 1-2. The State Director may establish such supplementary rules as he/she deems necessary under 43 CFR 8365 1-6. The Nevada State Director has established that no person shall camp more than 14 (fourteen) days within a 28 (twenty-eight) day period. *Federal Register Vol. 58. No. 191/ Tuesday, October 5, 1993.*
25. The permittee shall comply with all; Federal, State, local laws, ordinances, regulations, orders, postings, or written requirements applicable to the area or operations covered by the Special Recreation Permit. The permittee shall ensure that all persons operating under the authorization have obtained all required Federal, State, and local licenses or registrations. BLM H-2930-1
26. A Special Recreation Permit authorizes special uses of public lands and related waters. Should circumstances warrant, the permit may be modified by the BLM at any time, including modification of the amount of use. The authorized officer may suspend or terminate a Special Recreation Permit to protect public resources, health, safety, the environment, or because of noncompliance with permit stipulations. Actions by the BLM to suspend or terminate a Special Recreation Permit may be appealed. BLM H-2930-1
27. No value may be assigned to or claimed for the permit, or for the occupancy or use of Federal lands or related waters granted thereupon. The permit privileges are not to be

considered property on which the permittee shall be entitled to earn or receive any return, income, price, or compensation. The use of a permit as collateral is not recognized by the BLM. BLM H-2930-1.

28. Unless expressly stated, the Special Recreation Permit does not create an exclusive use of any area by the permittee. The permittee shall not interfere with other valid uses of the Federal land by other users. The United States reserves the right to use any part of the area for any purpose. BLM H-2930-1
29. The permittee or permittee's representative may not assign, contract, or sublease any portion of the permit authorization or interest therein, directly or indirectly, voluntarily or involuntarily. BLM H-2930-1
30. All advertising and representations made to the public and the authorized officer must be accurate. Although the addresses and telephone numbers of the BLM may be included in advertising materials, official agency symbols may not be used. The permittee shall not use advertising that attempts to portray or represent the permit fee as a special federal user's tax. The permittee must furnish the authorized officer with any current brochure and price list if requested by the authorized officer. BLM H-2930-1
31. In the event of default on any mortgage or indebtedness, such as bankruptcy, creditors shall not succeed to the operating rights or privileges of the permittee's Special Recreation Permit. BLM H-2930-1
32. The permittee cannot, unless specifically authorized, erect construct, or place any building, structure, or other fixtures on public lands. Upon leaving, the lands must be restored as nearly as possible to pre-existing conditions. BLM H-2930-1
33. The permittee must present or display a copy of the SRP to an authorized officer's representative, or law enforcement personnel upon request. If required, the permittee must display a copy of the permit. 43 CFR 2932.57(a)(4) & (5), BLM H-2930-1
34. The authorized officer, or other duly authorized representative of the BLM may examine any of the records or other documents related to the permit, the permittee or the permittee's operator, employee, or agent for up to three years after expiration of permit. BLM H-2930
35. The permittee shall notify the authorized officer of any accident that occurs while involved in activities by this permit that results in death, personal injury requiring hospitalizations or emergency evacuation, or in property damage greater than \$2,500 (lesser amounts if established by State Law). Reports should be submitted within 48 hours of death or injury, or in ten days in accidents involving property damage. BLM H-2930-1

APPLICATIONS/PERMITS/ UPDATES/CHANGES

36. All applications must provide a list of all goods and/or services being provided. The vendor must own the merchandise or a written agreement for consignment must be included with the application. 43 CFR 2932.24 (3)
37. The permittee (vendor) must have the approved SRP in their possession prior to starting operations on public lands. 43 CFR 2932.57 (a)(1), BLM H-2930-1
38. Only vehicles/trailers listed on the Vendor Vehicle Sheet are allowed as part of the approved permit. It is strongly suggested that backup vehicles and campers be listed in case of a break down. 43 CFR 2932.24 (3)
39. The applicant will submit a scaled drawing of the vendor site set to include all vehicles, trailers, and/or specific equipment needed. 43 CFR 2932.24 (3)
40. Any updates or amendments to your original application must be received for processing 14 days prior to vending at Sand Mountain. All update submissions must be in writing or faxed to the SWFO. The authorized officer has discretion to approve or disapprove any updates to the original application. 43 CFR 2932.24 (3), BLM H-2930-1

FEES

41. All fees must be paid in United States currency. BLM Manual 1372.31
42. Vendors must have in their possession the Season Permit specifically for the Sand Mountain Recreation Area (valid Oct 1-Sept 30) for each primary vehicle. A primary vehicle is defined as any street legal vehicle used for transportation to the recreation site. 43 CFR 2933.3 (a) through (b).
43. The minimum annual commercial permit fee of \$100 is non-refundable. 43 CFR 2932.33(c)
44. The vendor/business, at all times while on public lands, must be covered by a general liability insurance policy for the authorized use. The minimum insurance needed is \$300,000 per occurrence, \$60,000 annual aggregate for bodily injury and \$30,000 property damage per occurrence with \$55,000 aggregate. If deemed necessary by the authorized officer, additional coverage may be required. A copy of your policy must be submitted to BLM with your application. 43 CFR 2932.43(a).
45. The Certificate of Insurance must list the Department of the Interior, Bureau of Land Management as additional insured and state that the insurer will notify BLM 30 days in advance of termination or modification of the policy. BLM H-2930-1
46. The business name used on the original application must be the same name used for the liability insurance. BLM H-2930-1

47. The Gross Receipts Report Form must be sent in and received at the Carson City Field Office before close of business on October 15 annually. Those who do not submit their reports on-time are considered to be in violation of the SRP agreement. *There is no grace period.* SWFO

OTHER NON-BLM PERMITS

48. The permittee is responsible with providing BLM with copies of County and State licenses and permits that are required for operating the vendor business *prior* to issuing the SRP. Faxed copies of other required licenses are acceptable. SWFO

VENDOR AREA OPERATIONS

49. Vendors must post a copy of the vendor permit where customers and BLM employees can read and must show a copy when requested by a customer or BLM employee. 43 CFR 2932(a)(4); 43 CFR 2932.57(a)(5)
50. The permittee is responsible for proper removal and/or disposal of all trash and litter generated at the vending site. 43 CFR 8365 1-1
51. Hazardous material must be disposed of at an appropriate site according to Nevada State laws and regulations. 43 CFR 8365 1-7
52. All vending sites are available on a first come-first serve basis. BLM H-2930-1
53. All vendors must have their vending units properly marked and displayed with business name. The business name must be readily distinguished from items being sold. SWFO
54. Reserving or saving a vending spot with equipment or roping an area off will be considered a violation of the Special Recreation Permit. 43 CFR 8365.1-6, SWFO
55. All sales must be made by the permit holder or by a legal employee of the permit holder. SWFO
56. The permittee shall maintain vehicles, service equipment, and the vending site in a neat, orderly, sanitary, and safe condition. SWFO
57. Vending operations will not obstruct public access to the recreation area. SWFO

SPECIFIC VENDING LOCATION

58. All vending operations are restricted to the identified area (Vendor Row) that is located at the north end of the main access road and adjacent to the BLM kiosk. Vendor Row is indicated with yellow fiberglass posts. SWFO

59. Vendors must leave a 12 foot setback for customer parking. This required setback is measured from the edge of the marked access road to the vendor set-up that may include equipment, display racks, and/or signs. SWFO

PRODUCTS AND SERVICES

60. Only products/categories/services previously approved in writing by the authorized officer may be sold. Specific authorization is required for all items sold and services provided. SWFO
61. The sale of fuel for motor vehicles is prohibited. SWFO
62. The sale or display of alcohol, wood pallets, tobacco, and fireworks is prohibited. SWFO
63. The sale or display of lewd or pornographic material, drugs, or drug paraphernalia is prohibited. SWFO
64. Vendors who sell items at their vending sites without prior approval on the appropriate form or sell items in prohibited packaging will be cited and/or may have their permit terminated. SWFO
65. All goods sold, advertised, or demonstrated by vendors must be legal to use or operate in Nevada. SWFO
66. The sale or possession of any glass container is prohibited. SWFO

ROVING (MOVING) VENDING

67. Roving vending operations must be moving at all times except when servicing customers. When not vending, your vehicle must be parked in the Vending Area. SWFO